

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

TECHNICON SYSTEMS, INC.,

Plaintiff,

vs.

VALMONT INDUSTRIES, INC.,

Defendant.

8:21CV173

**SECOND AMENDED
CASE PROGRESSION ORDER**

This matter comes before the Court on the Stipulated Proposed Amended Progression Order ([Filing No. 41](#)) filed by the parties. After review of the motion, the Court finds good cause to grant the parties' requested extensions. Accordingly,

IT IS ORDERED that the Stipulated Proposed Amended Progression Order ([Filing No. 41](#)) is granted, and the case progression order is amended as follows:

- 1) The deadline for completing written discovery under Rules 33, 34, 36, and 45 of the Federal Rules of Civil Procedure is **December 30, 2022**. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by **January 31, 2023**.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge on or before the motion to compel deadline to set a conference to discuss the parties' dispute, and after being granted leave to do so by the Court.

- 2) The fact witness deposition deadline, including but not limited to depositions for oral testimony only under Rule 45 is **March 31, 2023**.
- 3) The deadlines for identifying expert witnesses and completing expert disclosures for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

| | |
|--------------------|-----------------------|
| For the plaintiff: | March 31, 2023 |
| For the defendant: | May 31, 2023 |
| For rebuttal: | June 30, 2023 |

- 4) The planning conference scheduled on January 20, 2023, is cancelled. The planning conference to discuss case progression, dispositive motions, the parties' interest in settlement, and the trial and pretrial conference settings is rescheduled before the undersigned magistrate judge on **June 30, 2023**, at **10:00 a.m. CDT** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.

- 5) The expert witness deposition deadline is **July 14, 2023**.
- 6) The deadline for filing motions to dismiss and motions for summary judgment is **July 31, 2023**.
- 7) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **July 31, 2023**.
- 8) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 9) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 13th day of September, 2022.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge